## **CCRB INVESTIGATIVE RECOMMENDATION**

Investigator:		Team:	CCRB Case #:	V	Force	☐ Discourt.	U.S.
Patrick Yu		APU	201800215		Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		P	recinct:	18 Mo. SOL	EO SOL
Wednesday, 01/03/2018 7:36 PM		§ 87(2)(b)			107	7/3/2019	7/3/2019
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Received at CC	RB
Tue, 01/09/2018 2:34 PM		Precinct	Phone		Tue, 01/09	)/2018 2:34 PM	
Complainant/Victim	Type	Home Addre	ess				
Witness(es)		Home Addre	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Thomas Enders	30482	954771	107 PCT				
2. POM Joseph Desimone	15309	956586	107 PCT				
3. SGT Guillermo Suarez	120	937591	107 PCT				
4. POF Tina Trotta	11793	955598	107 PCT				
Witness Officer(s)	Shield N	lo Tax No	Cmd Name				
1. POF Alyssia Fogarty	13305	960547	107 PCT				
2. POM William Madorran	09377	960845	107 PCT				
3. POM Kevin Donohue	07469	953824	107 PCT				
4. POM Michael Mulieri	06576	958963	107 PCT				
Officer(s)	Allegati	on			Inve	estigator Reco	mmendation
A.POM Thomas Enders	Force: Peagainst §	olice Officer Thomas En	nders used physical f	orce			
B.POM Joseph Desimone	Force: Peagainst	olice Officer Joseph Des	simone used physica	l for	ce		
C.POM Thomas Enders	Force: Peagainst	olice Officer Thomas En	nders used physical f	orce			
D.POM Joseph Desimone	Force: Peagainst	olice Officer Joseph Des	simone used physica	l for	ce		
E.POM Thomas Enders		olice Officer Thomas Enhe ground.	nders hit § 87(2)(b)				
F.POM Thomas Enders		olice Officer Thomas En	nders hit § 87(2)(b)				

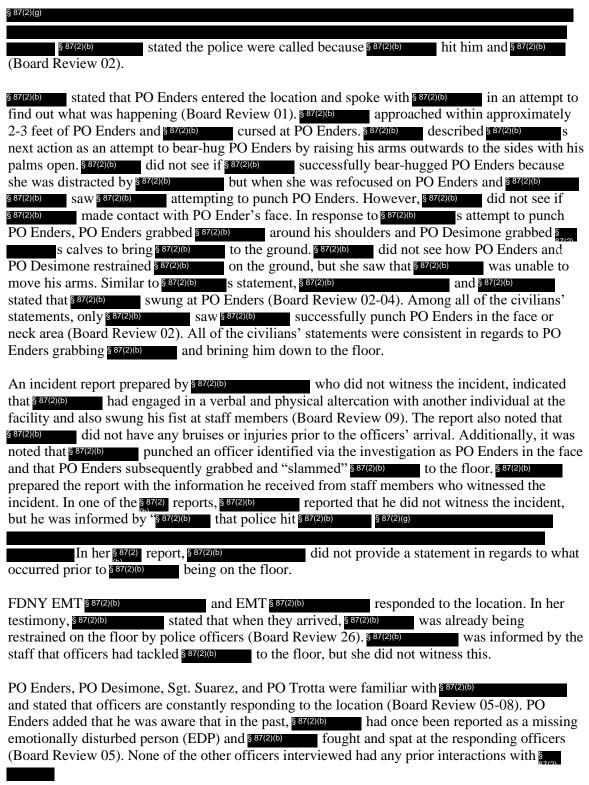
Officer(s)	Allegation	Investigator Recommendation
G.POM Joseph Desimone	Force: Police Officer Joseph Desimone hit §87(2)(b) against a stretcher.	
H.SGT Guillermo Suarez	Force: Sergeant Guillermo Suarez hit §87(2)(b) agains a stretcher.	t
I.POF Tina Trotta	Force: Police Officer Tina Trotta hit \$87(2)(b) against a stretcher.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

## **Case Summary**

On January 9, 2018, § 87(2)(b)	a staff member		
complaint on behalf of \$87(2)(6) incident. This case originally assig Inv. Patrick Yu on February 21, 20	gned to former Inv. N	. § 87(2)(b)  Matthew Campos and	, filed this did not witness this d was reassigned to
On January 3, 2018, at approximate the 107 <sup>th</sup> Precinct responded to \$87 the location, PO Enders and PO D Force, \$87(2)(9); Allegation B PO Enders allegedly punched \$87(2) that PO Desimone also punched \$87(2) the incident, PO Enders allegedly Force, \$87(2)(9). Upon the Suarez, and PO Tina Trotta allege Force, \$87(2)(9); Allegation I: F	(2)(b) Desimone took \$87(2)(b) : Force, \$87(2)(g) ((b) (Allegation \$7(2)(b) (Allegation \$87(2)(b) (Allegation \$100 \$100 \$100 \$100 \$100 \$100 \$100 \$10	down to the g  ). While \$\frac{8}{57(2)(5)}  a C: Force, \$\frac{8}{57(2)(9)}  on D: Force, \$\frac{8}{57(2)(9)}  Is face against the flood Enders, PO Desimon onto the stretch	, in Queens. Inside tround (Allegation A: was on the ground, ). It was alleged ). During oor (Allegation E: one, Sgt. Guillermo her (Allegation F:
§ 87(4-b), § 87(2)(g)			
There is no video evidence depicti	ing this incident.		
<u>Fi</u>	indings and Recomi	mendations	
Allegation (A) Force: Police Off	icer Thomas Ender	s used physical for	ce against §87(2)(b)
Allegation (B) Force: Police Offi	icer Joseph Desimo	ne used physical fo	rce against § 87(2)(b)
It is undisputed that PO Enders and the incident. A statement was not is unable to express himse	and § 87(2)(b)	(2)(b) § 87(2)(b) because § 87(2)(l)	to the ground. , witnessed noted that ,
stated that prior to calling the office	cers, she was informed view 01). § 87(2)(0) on with a patient and tempted to speak with	ed by staff that they was also informed by that he hit a staff me h \$87(2)(0) he cu	estimony, \$87(2)(b) had physically y staff that \$87(2)(b) ember. When \$27(2) ursed at them and he

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unsuccessful attempts to calm \$87(2)(b) down, \$87(2)(b) called 911 to have \$87(2)(b) removed to the hospital for an emergency psychiatric evaluation.



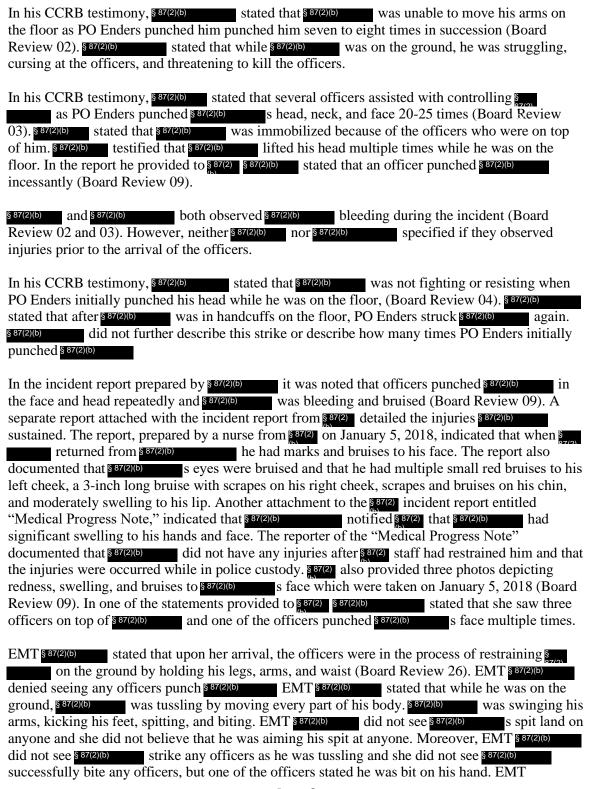
The officers responded to a radio run regarding a homicidal, suicidal, and violent EDP at the location. PO Enders did not immediately recognize \$\frac{87(2)(0)}{87(2)(0)}\$ but he saw that \$\frac{87(2)(0)}{87(2)(0)}\$ looked distraught because he was pacing back and forth and looked angry (Board Review 05). Upon PO Enders entering the location, \$\frac{87(2)(0)}{87(2)(0)}\$ walked towards him with his hands in the pockets of his hooded sweatshirt. PO Enders instructed \$\frac{87(2)(0)}{87(2)(0)}\$ to take his hands out of his pockets. Once \$\frac{87(2)(0)}{87(2)(0)}\$ removed his hands from his pockets, \$\frac{87(2)(0)}{87(2)(0)}\$ pushed PO Enders. PO Enders stated that \$\frac{87(2)(0)}{87(2)(0)}\$ in order to handcuff him and contain him to ensure that he could not harm himself or the officers. PO Enders believed that that he grabbed \$\frac{87(2)(0)}{87(2)(0)}\$ around his mid-section and waist area when he tackled him. PO Enders stated that he scraped the back of his left hand when he took \$\frac{87(2)(0)}{87(2)(0)}\$ down to the floor. PO Enders denied receiving any medical treatment for his injury and stated that he just poured water over it.
§ 87(2)(g)
PO Desimone did not recall if he assisted with taking \$87(2)(b) to the ground.
Sgt. Suarez and PO Trotta provided consistent accounts during their CCRB interview (Board Review 07 and 08). When Sgt. Suarez and PO Trotta arrived at the location they were initially unable to enter because the door was locked, but they saw \$87(2)(6) run towards PO Enders and PO Desimone. Sgt. Suarez stated that \$87(2)(6) tackled PO Enders and PO Desimone and he saw that \$87(2)(6) ended up chest-to-chest with one of the officers (Board Review 07). Sgt. Suarez stated that either PO Enders or PO Desimone grabbed \$87(2)(6) by wrapping his arm around \$87(2)(6) support body. Once Sgt. Suarez entered the location, he saw either PO Ender or PO Desimone place \$87(2)(6) down to the floor by leaning his body forward while holding onto \$87(2)(6) PO Trotta stated that either PO Enders or PO Desimone or both officers took \$87(2)(6) down to the floor, but she could not describe this action (Board Review 08).
The EVENT generated for this incident, EVENT #\$87(2)(6) indicated that the 911 caller stated that there was a violent male at the location who was violent, suicidal, and homicidal (Board Review 10).
The AIDED Report generated for \$87(2)(b) noted that he was taken to the hospital for further evaluation due to his mental health and because \$87(2)(b) had homicidal and suicidal thoughts (Board Review 14). The report also indicated that \$87(2)(b) attempted to harm himself and others, placed himself in danger, and verbally and physically threatened others.
The TRI report prepared by PO Enders and PO Desimone contained the same information noting that §37(2)(b) wrestled/grappled and pushed/shoved officers (Board Review 13 and 15). The TRI reports also noted that officers used a forcible takedown.
s medical records obtained from \$87(2)(b) indicated that \$87(2)(b) told the medical personnel that officers' slammed him (Privileged). \$87(2)(b) did not make any additional statements regarding his interaction with the officers. According to the medical records, \$87(2)(b) had facial abrasions and swelling.
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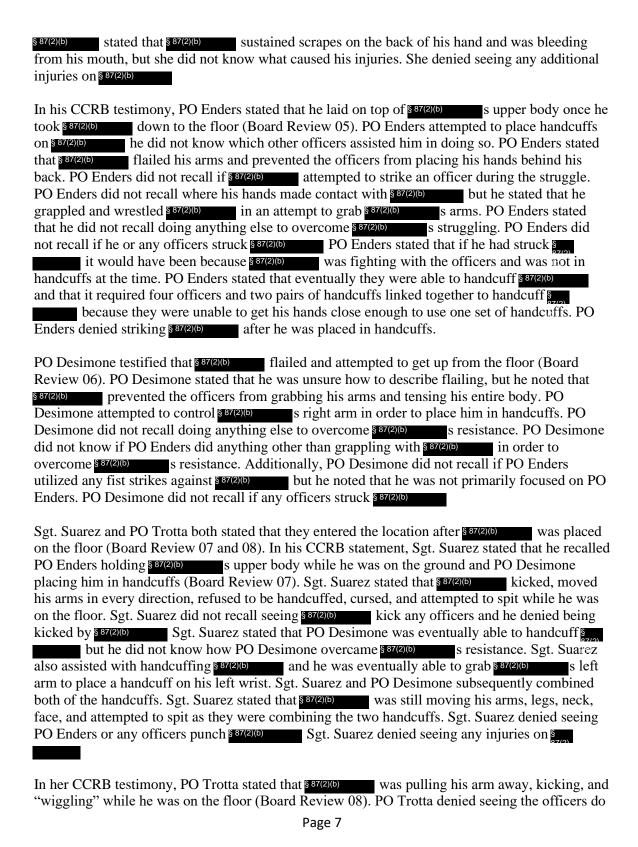
NYPD Patrol Guide Procedure 221-13 defines an emotionally disturbed person as an individual who appears to mentally ill or temporarily deranged and is conducting him or herself in a manner that an officer reasonably believes is likely to result in serious injury to himself or others (Board Review 12). If an emotionally disturbed person's actions constitute immediate threat of serious physical injury or death to himself or others an officer should take reasonable measures to terminate or prevent such behavior.

NYPD Patrol Guide Procedure 221-01states that force may be used when it is reasonable to ensure the safety of a member of the service or otherwise protect life, or when it is reasonable to place person in custody or prevent escape from custody (Board Review 11). In situations in which it is not safe or appropriate to use de-escalation techniques to gain voluntary compliance from a subject, officers should use only a reasonably necessary amount of force to gain control or custody of the subject.

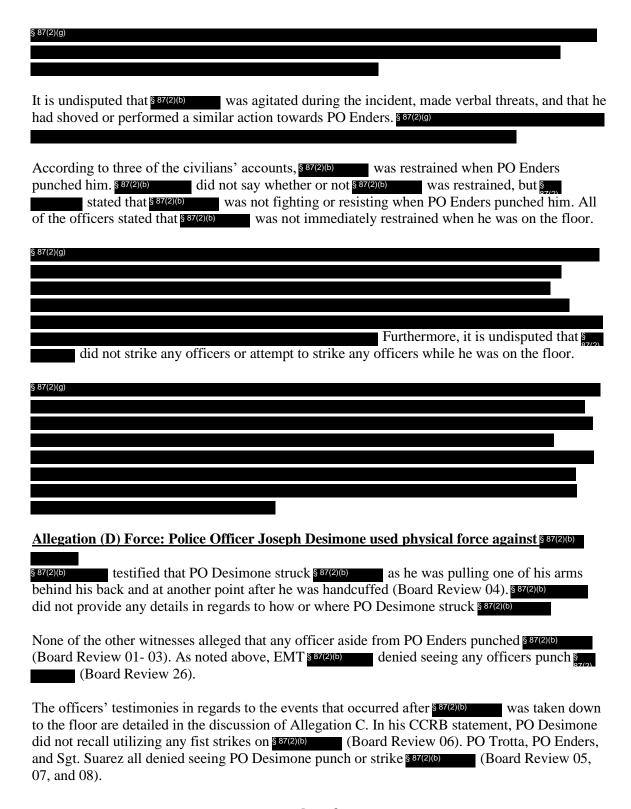
§ 87(2)(g)
Allegation (C) Force: Police Officer Thomas Enders used physical force against \$87(2)(b)
In her CCRB interview, § 87(2)(b) stated PO Enders punched the back of § 87(2)(b) s head
three to four times immediately after PO Enders brought him down to the floor (Board Review
01). At this point, PO Desimone was restraining §87(2)(b) s lower body and PO Enders was
restraining his upper body. §87(2)(b) could not clearly see how they restrained him, but she saw
that §87(2)(b) could not move his arms. §87(2)(b) stated that §87(2)(b) was wiggling his
body and cursing. §87(2)(b) stated that PO Enders punched §87(2)(b) three to four times at
another point during the incident, possibly after \$87(2)(b) was handcuffed. \$87(2)(b) observed
bleeding from his mouth while he was on the floor.
CCDD ( )
§ 87(2)(b) and § 87(2)(b) s CCRB testimony were consistent with § 87(2)(b) s
account in regards to PO Enders punching \$87(2)(b) immediately after \$87(2)(b) was on the floor (Board Review 02-04). Additionally, \$87(2)(b) \$87(2)(b) and \$87(2)(b) all stated
,
that the ambulance arrived towards the end of the incident as \$87(2)(b) was already on the
ground. \$87(2)(b) did not recall when the ambulance arrived and he did not know if the EMTs witnessed the officers punch \$87(2)(b)
withessed the officers punch soleton
§ 87(2)(g)

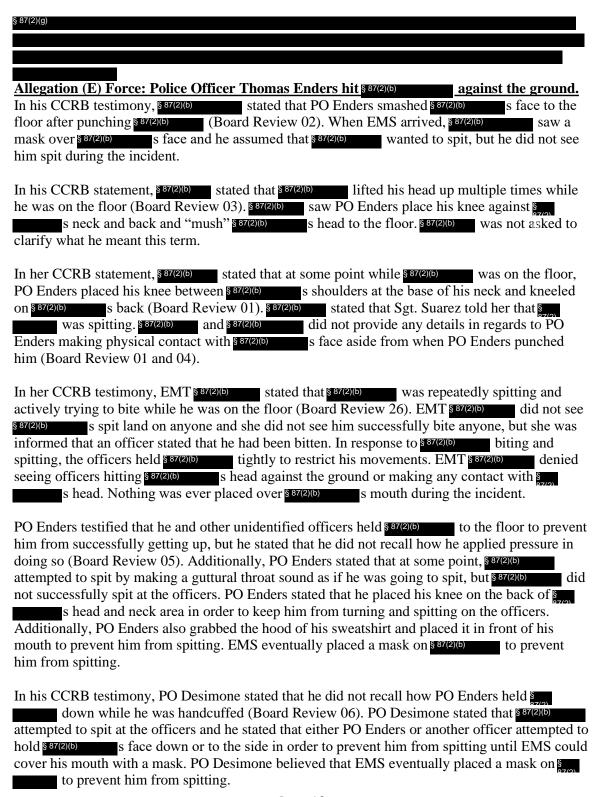
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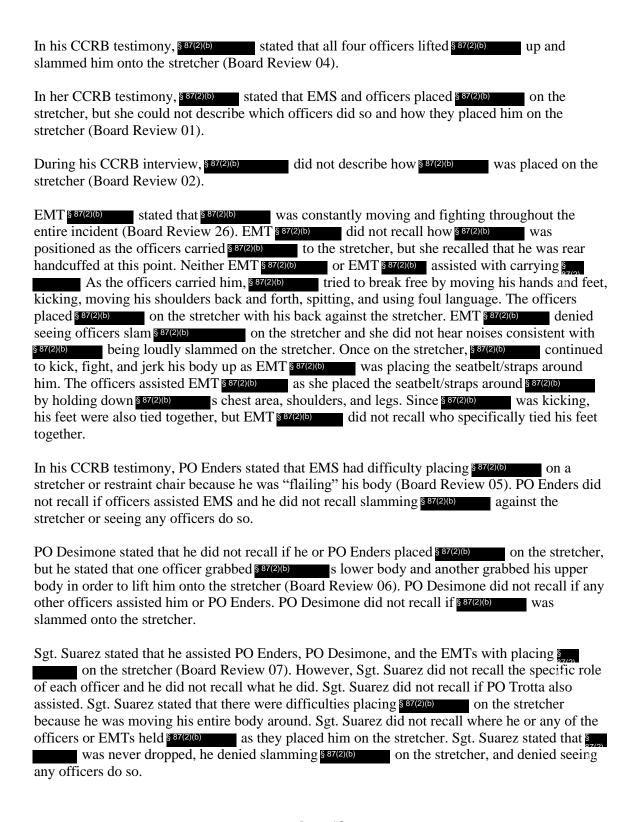


anything else besides grab \$\frac{\mathbb{\omega}^{\omega/(2)(b)}}{\mathbb{\omega}}\$ s arms in order to place him in handcuffs. PO Trotta denied seeing PO Enders punch \$\frac{\mathbb{\omega}^{\omega/(2)(b)}}{\mathbb{\omega}}\$ PO Trotta stated that there were no hand strikes used against \$\frac{\mathbb{\omega}^{\omega/(2)(b)}}{\mathbb{\omega}}\$ and she denied seeing any officers make physical contact with \$\frac{\mathbb{\omega}^{\omega/(2)(b)}}{\mathbb{\omega}}\$ s face. PO Trotta stated that while \$\frac{\mathbb{\omega}^{\omega/(2)(b)}}{\mathbb{\omega}}\$ was inside the ambulance, \$\frac{\mathbb{\omega}^{\omega/(2)(b)}}{\mathbb{\omega}}\$ repeatedly banged the right side of his face against the wall of the ambulance. However, PO Trotta denied seeing any injuries on \$\frac{\mathbb{\omega}^{\omega/(2)(b)}}{\mathbb{\omega}}\$
During their CCRB interviews, Sgt. Suarez and PO Trotta were shown the photos provided by which were attached to the incident report. The photos depicted redness, bruising, and swelling to various areas of [597(2)(5)] s face (Board Review 09). Sgt. Suarez and PO Trotta both denied seeing any injuries during the incident consistent to the injuries depicted in the photos.
The TRI reports prepared by PO Enders and PO Desimone did not document any hand strikes used against \$87(2)(b) and only references the forcible takedown that brought \$87(2)(b) to the floor (Board Review 13 and 15). \$87(2)(b) s documented use of force in the TRI reports are mentioned in Allegations A and B.
According to \$87(2)(b) s medical records from \$87(2)(b) staff stated that \$87(2)(b) was agitated and that \$87(2)(b) stated that he was going to kill people with his knife and kill himself (Privileged). The medical personnel noted that the physical exam showed signs of abrasions and swelling to \$87(2)(b) s face. EMS reported that the injuries occurred while NYPD officers restrained \$87(2)(b) EMS also indicated that NYPD officers held \$87(2)(b) face down on the floor. EMS also noted that \$87(2)(b) was transported without incident in stable condition. The medical records included information provided by \$87(2)(b) who stated that \$87(2)(b) also stated that officers restrained \$87(2)(b) and the officers hit him in the head. \$87(2)(b) reported that prior to officers restraining \$87(2)(b) he did not have injuries to his head or face.
NYPD Patrol Guide Procedure 221-13 defines an emotionally disturbed person and noted that an EDP should be restrained with handcuffs if they resist being taken into custody (Board Review 12).
NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody (Board Review 11). Officers will use only a reasonable amount of force to gain control or custody of the subject.
§ 87(2)(g)
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Sgt. Suarez stated that he instructed PO Enders to place \$87(2)(0) s hood over the side of \$87(2)(0) s face to cover his mouth to prevent from spitting (Board Review 07). Sgt. Suarez denied seeing PO Enders holding face on the ground and did not recall seeing any officers do so. Sgt. Suarez also stated that EMS eventually placed a mask on \$87(2)(0)
In her CCRB testimony, PO Trotta stated that she did not recall if \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) moving his head around and she did not recall seeing any officers placing their hands against \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spat or if there was a concern about him spitting (Board Review 08). PO Trotta also did not recall \$87(2)(b) spitch
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§ 87(2)(g)
It is undisputed that PO Enders placed his knee against \$87(2)(b) s back and neck area during
the incident. § 87(2)(9)
Allegation (F) Force: Police Officer Thomas Enders hit \$87(2)(b) against a stretcher.  Allegation (G) Force: Police Officer Joseph Desimone hit \$87(2)(b) against a stretcher.
Allegation (F) Force: Police Officer Thomas Enders hit  Allegation (G) Force: Police Officer Joseph Desimone hit  Allegation (H) Force: Sergeant Guillermo Suarez hit  Allegation (I) Force: Police Officer Tina Trotta hit  Ser(2)(b)  against a stretcher.  against a stretcher.  against a stretcher.



was placed on the stretcher or if she assisted (Board Review 08). However, PO Trotta recalled \$87(2)(0) kicking once he was on the stretcher.
NYPD Patrol Guide Procedure 221-13 defines an emotionally disturbed person and noted that an EDP should be restrained with handcuffs if they resist being taken into custody (Board Review 12).
NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody (Board Review 11). Officers will use only a reasonable amount of force to gain control or custody of the subject.
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)
§ 87(4-b), § 87(2)(g)
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§ 87(4-b), §	§ 87(2)(g)		
•	This is the first CCRB complaint to v Review 20).	d Officer CCRB Histories which \$87(2)(b) has been a pa	arty (Board
•	This is the first CCRB complaint to v 21).	which §87(2)(b) has been a party	y (Board Review
•	PO Thomas Enders has been a memb two CCRB complaints and three alleg \$87(2)(g)	<del>-</del>	-
•	PO Joseph Desimone has been a men CCRB complaint to which he has been Sgt. Guillermo Suarez has been a men in four CCRB complaints and 12 alle	en a subject. mber of service for 13 years and ha	s been a subject
•	PO Tina Trotta has been a member of CCRB complaints and three allegation		
•	Mediation, Cive This complaint was not suitable for means of May 25, 2018, the New York Convicte of Claim being filed in regard According to the Office of Court Adrof convictions in New York City (Boaccording to the Office of Court Adronvictions in New York City (Board Convictions	City Office of the Comptroller has not set this complaint (Board Review Ininistration (OCA), \$87(2)(b) and Review 20).  Ininistration (OCA), \$87(2)(b) has a set of the Comptroller has not set of the Comptroller has no	
Squad	No.:		
Investi	gator:Signature	Print Title & Name	 Date

Squad Leader:			
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date